

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BESARO MOBILE HOME PARK, LLC, dba No. C 05-2886 SBA
BESARO MOBILE HOME PARK,

ORDER

Plaintiff,

v.

THE CITY OF FREMONT,

Defendant.

On May 7, 1997, Plaintiff Besaro Mobile Home Park filed a complaint against Defendant City of Fremont, Case No. C 97-02106 CW. The complaint challenged Defendant's mobilehome rent control ordinance. On December 19, 1997, Judge Wilken granted Defendant's motion to dismiss. On December 31, 1998, the Ninth Circuit affirmed Judge Wilken's decision.

On July 15, 2005, Plaintiff filed a new complaint against Defendant, C 05-02886 SBA. The complaint also challenged Defendant's mobilehome rent control ordinance. The parties did not file a notice of related action. On December 16, 2005, Plaintiff filed a First Amended Complaint for Civil Rights Violation and Damages under 42 U.S.C. Section 1983; Taking of Property and Violation of Due Process; Declaratory Relief/Demand for Jury Trial. On January 5, 2006, Defendant filed a Motion to Dismiss First Amended Complaint Pursuant to Rules 12(b)(1) and 12(b)(6).

Having reviewed the case file, it appears to the Court that the above-captioned case may be

1 related to *Besaro Mobile Home Park v. City of Fremont*, C 97-02106 CW. In the interest of judicial
2 economy, this Court will refer the above-captioned matter to Judge Wilken. If Judge Wilken deems
3 the case related, it will be reassigned to Judge Wilken for further proceeding.

4 Accordingly,

5 IT IS HEREBY ORDERED THAT the above-titled case is REFERRED, pursuant to Civil
6 Local Rule 3-12(c), to District Judge Claudia Wilken for consideration of whether the above-
7 captioned case is related to *Besaro Mobile Home Park v. City of Fremont*, C 97-02106 CW.

8 IT IS SO ORDERED.

9 Dated: 4/24/06


SAUNDRA BROWN ARMSTRONG
United States District Judge